ESTTA Tracking number:

ESTTA526084 03/11/2013

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Pinterest, Inc.
Granted to Date of previous extension	03/10/2013
Address	808 Brannan Street San Francisco, CA 94103 UNITED STATES

Attorney	Andrew P. Bridges
information	Fenwick & West LLP
	555 California Street, 12th Floor
	San Francisco, CA 94104
	UNITED STATES
	trademarks@fenwick.com, jdueck@fenwick.com, abridges@fenwick.com,
	klu@fenwick.com, amootz@fenwick.com Phone:(415) 875-2300

Applicant Information

Application No	85593371	Publication date	09/11/2012
Opposition Filing Date	03/11/2013	Opposition Period Ends	03/10/2013
Applicant	Pintegrate Incorporated 9040 Leslie Street Richmond Hill, Ontario, L4B3I CANADA	M4	

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Software for enabling the integration of other software applications in a context defined by the user

Class 042.

All goods and services in the class are opposed, namely: Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of integrating other software applications in a context defined by the user; computer services, namely, integration of cloud computing services; computer services, namely, cloud hosting provider services; computing services, namely, cloud computing featuring software designed to integrate other software applications in a context defined by the user; computing services, namely, design and development of computer software designed to integrate other software applications in a context defined by the user; computing services, namely, providing a website featuring non-downloadable software designed to integrate other software applications in a context defined by the user

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4145087	Application Date	03/01/2011
Registration Date	05/22/2012	Foreign Priority Date	NONE
Word Mark	PINTEREST		
Design Mark	Pin	tere	est
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use Providing a web site featuring bookmark, annotate, and pub Class 045. First use: First Use Internet-based social network	technology that enal licly share data e: 2010/03/10 First U	oles internet users to create,

U.S. Application No.	85698998	Application Date	08/08/2012
Registration Date	NONE	Foreign Priority Date	02/10/2012
Word Mark	PIN		•
Design Mark	I	PIN	
Description of Mark	NONE		
Goods/Services	Class 009. First use:		
	computer software; compute enables internet users to creinformation and multimedia comobile application; download	ate, bookmark, annot content; downloadable	ate, and publicly share data,

downloadable software to facilitate online advertising, business promotion, connecting social network users with businesses and for tracking users and advertising of others to provide strategy, insight, marketing, and predicting consumer behavior; electronic publications; computer software and software applications that enable electronic communications network users to create, upload, bookmark, view, annotate, and share data, information and media content; software, downloadable or prerecorded, in the nature of a mobile application; software downloadable via electronic communications networks and wireless devices; software to facilitate business promotion, connecting social network users with businesses; computer e-commerce software to allow users to perform electronic business transactions via a global computer network Class 035. First use:

advertising and promotional services; advertising and marketing services, namely promoting the products and services of others; business data analysis; business monitoring and consulting services, namely, tracking users to provide strategy, insight, marketing guidance, and for analyzing, understanding and predicting consumer behavior and motivations, and market trends; business monitoring and consulting services, namely, data and behavior analysis to provide strategy, insight, and marketing guidance, and for analyzing, understanding and predicting behavior and motivations, and market trends; promoting the goods and services of others by means of operating an online platform with links to the resources of others; providing an online searchable database featuring goods of others; electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes

Class 038. First use:

electronic bulletin board services

Class 042. First use:

providing a website featuring technology that enables internet users to create, bookmark, annotate, upload, organize, and publicly share data, information and multimedia content; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the field of general interest; providing a website featuring non-downloadable software; hosting an interactive website and online non-downloadable software for uploading, posting, showing, displaying, tagging, sharing and transmitting messages, comments, multimedia content, photos, pictures, images, text, information, and other user-generated content; providing a platform featuring technology that enables internet users to create, upload, bookmark, view, annotate, and share data, information and multimedia content; providing a platform featuring non-downloadable software; hosting an interactive platform and online non-downloadable software for uploading, posting, showing, displaying, tagging, sharing and transmitting messages, comments, multimedia content, photos, pictures, images, text, information, and other user-generated content; developing and hosting a server on a global computer network for the purpose of facilitating e-commerce via such a server; platform and facility for mobile device communication; platform and facility for networked communications

Class 045. First use:

online social networking services; providing a social networking website for entertainment purposes and general interest purposes; providing social networking services for purposes of commentary, comparison, collaboration, consultation, evaluation, advice, discussion, research, notification, reporting, identification, information sharing, indexing, information location, entertainment, pleasure, or general interest

U.S. Application 85695361 Application Date 08/03/2012

No.			
Registration Date	NONE	Foreign Priority Date	02/07/2012
Word Mark	PINTEREST		
Design Mark	PINT	ER	EST
Description of Mark	NONE		
Goods/Services	understanding and predicting promoting the goods and serve platform with links to the resord database featuring goods of comproviding information about platform advertising and sales purposed Class 038. First use: electronic bulletin board service Class 042. First use: providing a platform featuring upload, bookmark, view, annotation.	mark, annotate, and ontent; software, downton; software downled wireless devices; sometwork users with both merce software to allow a global competition of the software to allow and services, name and services, name of the software to the	publicly share data, valoadable or prerecorded, in oadable via electronic oftware to facilitate business susinesses; electronic flow users to perform outer network and marketing services, hers; business data analysis; ely, data and behavior g guidance, and for analyzing, ations, and market trends; eans of operating an online riding an online searchable inmerce services, namely, nunication networks for their peers, form virtual ricies in the field of general
	platform featuring non-downlo and online non-downloadable displaying, tagging, sharing a content, photos, pictures, ima content; developing and hosti purpose of facilitating e-comm mobile device communication communications	padable software; ho software for uploadi and transmitting mess ges, text, information a server on a glot herce via such a server	sting an interactive platforming, posting, showing, sages, comments, multimedian, and other user-generated bal computer network for the ver; platform and facility for

Class 045. First use:
online social networking services; providing social networking services for purposes of commentary, comparison, collaboration, consultation, evaluation, advice, discussion, research, notification, reporting, identification, information sharing, indexing, information location, entertainment, pleasure, or general
interest

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PIN IT		
Goods/Services	enable Internet uses share data, informat downloadable or prosoftware download wireless devices; social network user computer e-commet business transaction promotional services promotional services promoting the production and providing the production and motivations, and services of others to the resources of featuring goods of providing information and mucreating an online of discussions, get featurest; providing a platform uploading, posting, transmitting messa pictures, images, to developing and hospurpose of facilitati facility for mobile donetworked community and the publicly share data networking services collaboration, consultification, reporting information location remains and providing services collaboration, reporting information location reporting information location reporting information location.	computer software and software as to create, bookmark, annotate ation and multimedia content; so the recorded, in the nature of a metable via electronic communication of tware to facilitate business propercy with businesses; electronic propercy software to allow users to provide a global computer networks; advertising and marketing sequences and services of others; busine monitoring and consulting services and services of others; busined market trends; promoting the propercy means of operating an online others; electronic commerce sequences and services in about products via telecommunication; electronic buller featuring technology that enable to the sequence of	te, and publicly oftware, obile application; ons networks and omotion, connecting oblications; erform electronic rk; advertising and ervices, namely siness data ces, namely, data and marketing edicting behavior goods and platform with links rchable database rvices, namely, unication networks with board services; oles internet users hare data, rices, namely, to participate in rtual communities, ld of general adable software; oftware; hosting an eoftware for haring and tent, photos, generated content; uter network for the er; platform and and facility for eaturing technology motate, and es; providing social comparison, cussion, research, earing, indexing,

U.S. Application/	NONE	Application Date	NONE
Registration No.			

Registration Date	NONE
Word Mark	PINBOARD
Goods/Services	computer software; computer software and software applications that enable Internet users to create, bookmark, annotate, and publicly share data, information and multimedia content; software, downloadable or prerecorded, in the nature of a mobile application; software downloadable via electronic communications networks and wireless devices; software to facilitate business promotion, connecting social network users with businesses; electronic publications; computer e-commerce software to allow users to perform electronic business transactions via a global computer network; advertising and promotional services; advertising and marketing services, namely promoting the products and services of others; business data analysis; business monitoring and consulting services, namely, data and behavior analysis to provide strategy, insight, and marketing guidance, and for analyzing, understanding and predicting behavior and motivations, and market trends; promoting the goods and services of others by means of operating an online platform with links to the resources of others; electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes; electronic bulletin board services; providing a platform featuring technology that enables internet users to create, upload, bookmark, view, annotate, and share data, information and multimedia content; computer services, namely, creating an online community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the field of general interest; providing a platform featuring non-downloadable software; providing a platform featuring non-downloadable software for uploading, posting, showing, displaying, tagging, sharing and transmitting messages, comments, multimedia content, photos, pictures, images, text, information, and other user-generated content; developing and hosting a server on a global computer network for th

Attachments	85255217#TMSN.jpeg (1 page)(bytes) 85698998#TMSN.jpeg (1 page)(bytes) 85695361#TMSN.jpeg (1 page)(bytes)
	PINTEGRATE Notice of Opposition.pdf (12 pages)(472501 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrew P. Bridges/
Name	Andrew P. Bridges
Date	03/11/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Pinterest, Inc.,)
Opposer, vs.) Mark: PINTEGRATE) Serial No. 85/593,371) Published September 11, 2012
Pintegrate Inc., Applicant.) Opposition No

NOTICE OF OPPOSITION

Pinterest, Inc. opposes Application Serial No. 85/593,371 (the "Application").

Applicant's registration and use of the mark PINTEGRATE would damage Pinterest by jeopardizing Pinterest's goodwill in its marks as a result of creating a likelihood of confusion, mistake, or deception as to source, sponsorship, or affiliation with respect to Pinterest's and the Applicant's goods, services, and commercial activities. Applicant's registration and use of PINTEGRATE would also damage Pinterest by impairing the distinctiveness of Pinterest's trademarks. If the Board permits the Application to register, the registration would presumptively indicate Applicant's exclusive ownership and rights to the PINTEGRATE mark. It could also interfere with Pinterest's right to register additional marks in its family of marks.

As specific grounds for opposition, Pinterest further alleges as follows:

1. Pinterest is a well-known provider of online services through its website pinterest.com and through applications it has designed for Apple and Android mobile devices, all under the PINTEREST trademark. Pinterest allows users to gather images and other content and organize that content into themed collections that it calls "pinboards." Pinterest users typically build their pinboards using images from their own collections or other websites. Pinterest allows

its users to post content (in Pinterest's terminology, "pinning" it) to their pinboards, browse other users' pinboards, follow other users, and "re-pin" the content that interests or inspires them. In doing so, Pinterest provides a way for people to express themselves, discover new things, and engage with the people who create or provide them.

- 2. Founded just three years ago, Pinterest has rapidly become one of the most popular social networking services in the world. comScore estimates that more than 11 million people visited the Pinterest website from its March 2010 launch to January 2012, making it the fastest stand-alone site in history to surpass the 10 million unique visitor mark. In August 2012, Experian Marketing ranked Pinterest the third most popular social networking site behind Facebook and Twitter.
- 3. Most recently, the Los Angeles Times reported that Pinterest had more than 26 million visitors in October 2012 according to comScore estimates. In February 2013, the Wall Street Journal reported that Pinterest attracted more than 48 million visitors worldwide in December 2012.
- 4. Pinterest's popularity has established it as a major force in social media.

 Photographers, designers, artists and other professionals use Pinterest to promote their work and to expose new audiences to it. Companies like The Gap, Macy's, Nordstrom, Neiman Marcus, and Saks Fifth Avenue promote their products and their brands on Pinterest. Publications like The New Yorker, Conde Nast Traveler, and Time Magazine maintain Pinterest boards to share images, reach new audiences and draw people to their websites. Hundreds of thousands of websites from Amazon to Zappos have added Pinterest's "Pin It" button to their websites to make it easy to pin images and other content from their sites. Pinterest has therefore become an important way for businesses to connect with Internet users, and a key source of referral traffic

for businesses and website of all types.

- 5. Mobile applications have been a key part of Pinterest's growth. Pinterest released its first iPhone app in March 2011. In August 2012, it released apps for iPad and Android devices, as well as an updated iPhone app. Millions of users now access Pinterest through mobile applications every month, and Apple recently added the Pinterest app to its App Store Hall of Fame.
- 6. Pinterest owns the following United States trademark registrations and applications for its PIN-family of marks:
 - a. Registration No. 4,145,087 for PINTEREST for:

"providing a web site featuring technology that enables Internet users to create, bookmark, annotate, and publicly share data" in Class 42; and

"Internet-based social networking services" in Class 45.

Pinterest filed for this registration on March 1, 2011, based on use in commerce since March 10, 2010. Both of these dates are before Applicant's April 10, 2012 filing date. Pinterest's registration is valid and subsisting and is conclusive evidence of Pinterest's exclusive right to use said mark in commerce in connection with these services.

b. Trademark Application Serial No. 85/698998 for PIN for:

"computer software; computer software applications; computer software that enables internet users to create, bookmark, annotate, and publicly share data, information and multimedia content; downloadable software in the nature of a mobile application; downloadable software via the internet and wireless devices; downloadable software to facilitate online advertising, business promotion, connecting social network users with

businesses and for tracking users and advertising of others to provide strategy, insight, marketing, and predicting consumer behavior; electronic publications; computer software and software applications that enable electronic communications network users to create, upload, bookmark, view, annotate, and share data, information and media content; software, downloadable or prerecorded, in the nature of a mobile application; software downloadable via electronic communications networks and wireless devices; software to facilitate business promotion, connecting social network users with businesses; computer e-commerce software to allow users to perform electronic business transactions via a global computer network" in Class 9;

"advertising and promotional services; advertising and marketing services, namely promoting the products and services of others; business data analysis; business monitoring and consulting services, namely, tracking users to provide strategy, insight, marketing guidance, and for analyzing, understanding and predicting consumer behavior and motivations, and market trends; business monitoring and consulting services, namely, data and behavior analysis to provide strategy, insight, and marketing guidance, and for analyzing, understanding and predicting behavior and motivations, and market trends; promoting the goods and services of others by means of operating an online platform with links to the resources of others; providing an online searchable database featuring goods of others; electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes" in Class 35;

"electronic bulletin board services" in Class 38;

"providing a website featuring technology that enables internet users to create, bookmark, annotate, upload, organize, and publicly share data, information and

multimedia content; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the field of general interest; providing a website featuring non-downloadable software; hosting an interactive website and online non-downloadable software for uploading, posting, showing, displaying, tagging, sharing and transmitting messages, comments, multimedia content, photos, pictures, images, text, information, and other user-generated content; providing a platform featuring technology that enables internet users to create, upload, bookmark, view, annotate, and share data, information and multimedia content; providing a platform featuring non-downloadable software; hosting an interactive platform and online nondownloadable software for uploading, posting, showing, displaying, tagging, sharing and transmitting messages, comments, multimedia content, photos, pictures, images, text, information, and other user-generated content; developing and hosting a server on a global computer network for the purpose of facilitating e-commerce via such a server; platform and facility for mobile device communication; platform and facility for networked communications" in Class 42; and

"online social networking services; providing a social networking website for entertainment purposes and general interest purposes; providing social networking services for purposes of commentary, comparison, collaboration, consultation, evaluation, advice, discussion, research, notification, reporting, identification, information sharing, indexing, information location, entertainment, pleasure, or general interest" in Class 45.

Pinterest filed its application on August 8, 2012, based on first use in commerce on February 10, 2012, which was before Applicant's April 10, 2012 filing date.

c. Application Serial No. 85/695361 for PINTEREST for:

"computer software; computer software and software applications that enable
Internet users to create, bookmark, annotate, and publicly share data, information and
multimedia content; software, downloadable or prerecorded, in the nature of a mobile
application; software downloadable via electronic communications networks and wireless
devices; software to facilitate business promotion, connecting social network users with
businesses; electronic publications; computer e-commerce software to allow users to
perform electronic business transactions via a global computer network" in Class 9;

"advertising and promotional services; advertising and marketing services, namely promoting the products and services of others; business data analysis; business monitoring and consulting services, namely, data and behavior analysis to provide strategy, insight, and marketing guidance, and for analyzing, understanding and predicting behavior and motivations, and market trends; promoting the goods and services of others by means of operating an online platform with links to the resources of others; providing an online searchable database featuring goods of others; electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes" in Class 35;

"electronic bulletin board services" in Class 38;

"providing a platform featuring technology that enables internet users to create, upload, bookmark, view, annotate, and share data, information and multimedia content; computer services, namely, creating an online community for registered users to

participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the field of general interest; providing a website featuring non-downloadable software; providing a platform featuring non-downloadable software; hosting an interactive platform and online non-downloadable software for uploading, posting, showing, displaying, tagging, sharing and transmitting messages, comments, multimedia content, photos, pictures, images, text, information, and other user-generated content; developing and hosting a server on a global computer network for the purpose of facilitating e-commerce via such a server; platform and facility for mobile device communication; platform and facility for networked communications" in Class 42; and

"online social networking services; providing social networking services for purposes of commentary, comparison, collaboration, consultation, evaluation, advice, discussion, research, notification, reporting, identification, information sharing, indexing, information location, entertainment, pleasure, or general interest" in Class 45.

Pinterest filed its application on August 3, 2012, based on first use in commerce on February 7, 2012, which was before Applicant's April 10, 2012 filing date.

- 7. Pinterest also has common-law rights in the marks PIN IT and PINBOARD, and in the PIN- prefix, as applied to social media services. Pinterest coined those marks for social media, and they have acquired a reputation as uniquely identifying Pinterest's services in the social media field. This Opposition refers to Pinterest's entire PIN-formative family of marks it describes above as "Pinterest's Marks."
- 8. As a result of the popularity of Pinterest and Pinterest's goods and services and the distinctiveness of Pinterest's Marks, consumers and media outlets now instantly recognize

Pinterest's name and Pinterest's Marks as referring to Pinterest and Pinterest's goods and services.

- 9. By virtue of Pinterest's extensive use and promotion of Pinterest's Marks,
 Pinterest has established valuable goodwill in the marks, and the public has come to associate
 Pinterest's Marks with Pinterest. As such, the public has come to recognize the PIN-prefix as an indication of goods and services that originate from or are affiliated with Pinterest and Pinterest's goods and services.
- 10. As a result of Pinterest's widespread and significant popularity, Pinterest's Marks is famous and well known to consumers, and were famous and well known before the Applicant filed the Application.
- 11. Applicant pursues registration of PINTEGRATE based on a claim of intent to use the mark in connection with the following:

"Software for enabling the integration of other software applications in a context defined by the user" in class 9; and

"Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of integrating other software applications in a context defined by the user; computer services, namely, integration of cloud computing services; computer services, namely, cloud hosting provider services; computing services, namely, cloud computing featuring software designed to integrate other software applications in a context defined by the user; computing services, namely, design and development of computer software designed to integrate other software applications in a context defined by the user; computing services, namely, providing a website featuring non-downloadable software

designed to integrate other software applications in a context defined by the user" in class 42.

- 12. Many of the goods and services in the Application overlap with or relate to Pinterest's business. Pinterest's software and computing services, for which Pinterest's Marks have established substantial reputation and fame before the date on which Applicant submitted its Application, include software or services designed to integrate Pinterest's software and services with the software and services of other computing services, such as Facebook, Twitter, and other websites. On information and belief, Applicant intends its use of "other software applications" to include Pinterest's software applications. In addition, the natural zone of expansion for Pinterest's services would include many of the products and services Applicant states it intends to provide.
- 13. Pinterest believes and therefore alleges that Applicant has not yet begun trademark use of the PINTEGRATE mark.
- 14. Applicant's PINTEGRATE mark incorporates Pinterest's PIN mark and mimics the PIN-prefix aspect of Pinterest's Marks. The leading element of Applicant's mark, "PIN," is identical to the common leading element of Pinterest's Marks.
- 15. The public is likely to be confused as to the source of Applicant's intended offerings. PINTEGRATE appears to be one of Pinterest's Marks as it shares the PIN-prefix in addition to a suffix and will relate to products and services that are identical or closely similar to Pinterest's products and services.
- 16. Consumers will likely associate the PINTEGRATE mark with Pinterest and its offerings and will assume there is a relationship between Applicant and Pinterest.

- Pinterest's Marks to capitalize on Pinterest's fame in providing goods and services that are similar to Pinterest's offerings. Therefore, consumers will suffer mistake or deception as they are likely to view the goods and services in the Application as relating to Pinterest's Marks and to believe that the goods and services relate to Pinterest.
- 18. As a result of the similarity between Pinterest's Marks and Applicant's PINTEGRATE mark and the identical and related goods and services associated with each party's respective marks, Applicant's mark is likely to cause confusion, mistake or deception in the trade and among consumers as to the source, origin or sponsorship of the parties' respective goods and services.
- 19. On information and belief, Applicant selected the PINTEGRATE mark because it invokes Pinterest's Marks and the fame attached to Pinterest's Marks. Even if consumers are not confused, the similarity between Pinterest's Marks and Applicant's PINTEGRATE mark and the identical and related goods and services associated with each party's respective marks is likely to impair the distinctiveness of Pinterest's Marks.

For these reasons, Pinterest respectfully requests that the Board sustain this Notice of Opposition and deny registration to the Applicant.

FENWICK & WEST LLP

/Andrew P. Bridges/

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Attorneys for Opposer Pinterest, Inc.

PROOF OF SERVICE BY MAIL

The undersigned hereby certifies that on this 11th day of March, 2013, I caused a copy of the foregoing NOTICE OF OPPOSITION to be served by first-class mail upon the following:

Applicant's Address of Record
PINTEGRATE INCORPORATED
9040 LESLIE STREET
RICHMOND HILL, ON L4B3M4
CANADA

Applicant's Address of Record, including Suite number

PINTEGRATE INCORPORATED 9040 LESLIE STREET, SUITE 217 RICHMOND HILL, ON L4B3M4 CANADA

Alison Mootz